IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 13902 of 2004

Between:
Ananthula Malleshwari W/o Veeraiah
r/o H. No. 3-2-56, Near MRO. Office road, Suryapet,
Nalgonda district.

..... PETITIONER

AND

1 The Municipal Council, rep by Commissioner, Surypet, Nalgonda District
2 Gudigopuram Narender Reddy S/o Ranga Reddy R/o H. No. 1-6-137, Suryapet, Nalgonda District
3 Banda Chandra Reddy S/o B. Sathi Reddy R/o H. No. 1-2-270/87/33/15/1, Opposite to near Bus Stand, Suryapet, Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring as illegal and void: a) the building permission bearing No. H/25/2004 dated 29-07-2004 issued by the 1st respondent in favour of the 2nd respondent b) declare as illegal and void proceeding bearing No. H/1097/2004 dated 29-07-2004 issued by the 1st respondent rejecting permission to the petitioner to construct building pursuant to his application dated 23-06-2004, consequently direct the 1st respondent to issue building permission to the petitioner pursuant to his application dated 23-06-2004

Counsel for the Petitioner: MR.KANAKAMEDALA

RAVINDRA KUMAR (not present)

Counsel for Respondent No.1: MR.R.TIMMA REDDY

Counsel for Respondents 2 & 3: --

The Court at the admission stage made the following :

ORDER:

None appears for the petitioner or any representation is made on his behalf.

Admittedly, the averments made in the writ petition disclose that the identity of the plot for which the second respondent obtained permission from the Municipal Corporation, is said to have been purchased by the petitioner under registered sale deed bearing document No.914/2004 dated 25-3-2004.

If that be the case, the proper remedy for the petitioner is to move the competent civil court seeking injunction restraining the second respondent from proceeding with the construction and it is for the civil court to consider the case of the petitioner in accordance with law. In this writ petition no relief can be grated to the petitioner except granting liberty to move the Civil Court.

Accordingly, the Writ Petition is dismissed at the admission stage.

_____

A. Gopal Reddy, J.

21st September, 2004.
Js.

ASSISTANT REGISTRAR

To

1 The Commissioner, Municipal Council, Surypet,
Nalgonda District

2 2 CD copies.